

From: Kevin DeSchene
To: Microsoft ATR
Date: 1/15/02 2:59pm
Subject: Class Action Suite

Hello,

The proposed remedy for the class action suites are unacceptable (i.e some odd billions of dollars going to poor schools). Was this an attempt to reward MS for their shoddy business ethics or what? The customer base is the plaintiff here, not the schools. And since when has the accused been allowed to negotiate their punishment. Should we start asking murderers what their punishment should be, (not to be confused with plea bargains).

U.S. antitrust law implies that the violator must be deprived of it's ill-gotten gains, as well as be fully sheared in terms of perpetrating the bad deed again in the future.

A proper set of solution:

1. Require MS to accurately publish the APIs Windows, IE, and Office programs,,, etc..., and offer same as storable (not automated one-time only) downloads for the public to view and study;
2. Prohibit Microsoft from entering any web services area, including .NET entirely, for 10 years. Since MS is leveraging its existing wares as a jump off to .MAKE-US-RENT-SOFTWARE-FOREVER (a.k.a. .NET), they must be denied this further attempt to profit from the initial ill-gotten gain;
3. No, don't break up Microsoft, but simply require that MS Office applications and all associated source code be declared freeware. This would effectively deny MS the fruits of its initial ill-gotten gains.
4. Fine the firm (MS) an amount equal to the dividends it hasn't paid shareholders as yet; this will prevent MS from using its cash reserves to buy its way around the above restrictions by simply inventing a new sandbox and forcing us all to play in it all over again (this is what they are already trying to do with .NET of course).
5. Their software should be supported and their licensing controlled more: i.e if they quit supporting ANY software, then that said software should become public domain. This would control MicroSoft from forcing upgrades. Microsoft should be required to re-organize their licensing program to allow for corporations/individuals to skip upgrades without punishment.
6. Exclusionary OEM agreements should be considered violation of law and punished accordingly. OEM pricing should be published for public viewing.
7. Political monetary influence should be monitored more closely. Even though it can't be proven, MS has influenced the political regimes of this county (I'm embarrassed by what our political system has become), and policed properly.
8. Program integration should be controlled more readily. Customers should be given the option to buy Windows without any additional programs installed. Windows ONLY, no IE, no Media Player, no Notepad, no nothing, just the OS and any OS related utilities (i.e Defrag, Scandisk, etc...)

9. All court/litigation costs should be paid by MicroSoft for ALL litigation imposed in the past 7 years.

10. Additionally, Microsoft should be given a proposed punishment imposed in the case of further future violations of the law.

As Well,

A. Litigation for technology needs to be revamped in this country. Our laws don't move at the speed of technology. By the time the court hearings are completed, the issues are irrelevant.

B. Appeals need to be limited more. There is no other reason for the number of appeals MicroSoft litigation has produced. These appeals just costs the Taxpayers more in taxes.

Thank You!

Kevin DeSchene